

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

CHAPTER 68

HOUSE BILL 2224

AN ACT

AMENDING TITLE 20, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING
SECTION 20-157.01; RELATING TO INSURANCE RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 1, article 2, Arizona Revised Statutes,
3 is amended by adding section 20-157.01, to read:

4 20-157.01. Insurer claim files; access by director; definition

5 A. PURSUANT TO THE DIRECTOR'S AUTHORITY UNDER SECTIONS 20-156, 20-157
6 AND 20-160, AN INSURER SHALL COMPLY WITH A REQUEST TO PRODUCE ANY DOCUMENTS,
7 REPORTS OR OTHER MATERIALS, WHETHER MAINTAINED IN WRITTEN OR ELECTRONIC
8 FORMAT, FROM AN INSURER'S CLAIM FILE.

9 B. ANY DOCUMENTS, REPORTS OR OTHER MATERIALS THAT ARE PROVIDED TO THE
10 DIRECTOR PURSUANT TO THIS SECTION ARE CONFIDENTIAL AND ARE NOT SUBJECT TO
11 DISCLOSURE, INCLUDING DISCOVERY OR SUBPOENA, UNLESS THE SUBPOENA IS ISSUED
12 BY THE ATTORNEY GENERAL OR A COUNTY ATTORNEY OR BY A COURT AT THE REQUEST OF
13 THE ATTORNEY GENERAL, COUNTY ATTORNEY OR ANY OTHER LAW ENFORCEMENT AGENCY.
14 THE DIRECTOR MAY ONLY DISCLOSE THE INFORMATION TO A STATE OR FEDERAL AGENCY
15 OR OFFICER PURSUANT TO A LAWFUL REQUEST, SUBPOENA OR FORMAL DISCOVERY
16 PROCEDURE. IF THE REQUESTING PARTY CANNOT WARRANT CONFIDENTIALITY PURSUANT
17 TO SECTION 20-158, SUBSECTION F, THE INFORMATION THAT IS PROVIDED PURSUANT
18 TO DISCOVERY, SUBPOENA OR LAWFUL REQUEST AS PROVIDED FOR IN THIS SUBSECTION
19 REMAINS CONFIDENTIAL. THE DIRECTOR SHALL MAKE REASONABLE EFFORTS TO NOTIFY
20 AN INSURER OF ANY REQUEST FOR A SUBPOENA FOR DOCUMENTS, REPORTS OR OTHER
21 MATERIALS IN AN INSURER CLAIM FILE OR RECORD THAT ARE PRODUCED BY THE INSURER
22 PURSUANT TO THIS SECTION SO THAT THE INSURER MAY ASSERT, IN A COURT OF
23 COMPETENT JURISDICTION, ANY APPLICABLE PRIVILEGES.

24 C. THE DIRECTOR MAY USE THE DOCUMENTS, REPORTS OR OTHER MATERIALS IN
25 THE FURTHERANCE OF ANY REGULATORY ACTION BROUGHT BY THE DIRECTOR OR IN
26 ACTIONS BROUGHT AGAINST THE DIRECTOR.

27 D. FOR THE PURPOSES OF THIS SECTION, "INSURER CLAIM FILE" INCLUDES
28 MEDICAL RECORDS, REPAIR ESTIMATES, ADJUSTER NOTES, INSURANCE POLICY
29 PROVISIONS, RECORDINGS OR TRANSCRIPTS OF WITNESS INTERVIEWS AND ANY OTHER
30 RECORDS REGARDING COVERAGE, SETTLEMENT, PAYMENT OR DENIAL OF A CLAIM ASSERTED
31 UNDER AN INSURANCE POLICY.

APPROVED BY THE GOVERNOR APRIL 8, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2004.